



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912**

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**DEC 22 2014**

Mr. James Murphree  
Matheson  
1700 Scepter Road  
Waverly, TN 37185

**Re: Request for Information Issued Pursuant to Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1), and Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604(e)(2)**

Dear Mr. Murphree:

You are receiving this Information Request letter to determine if the Matheson facility in Westbrook, Maine ("Westbrook Facility") is subject to the requirements of Section 112(r) of the amended Clean Air Act ("CAA"), 42 U.S.C. § 7412(r), and implementing regulations set forth at 40 C.F.R. Part 68. CAA Section 112(r) and its implementing regulations mandate a federal focus on the prevention of chemical accidents. The objective of Section 112(r) is to prevent accidental releases of substances that can cause serious harm to public health and the environment. Under these requirements, industry has the obligation to prevent and mitigate accidental chemical releases by (1) identifying hazards that might result in such releases, using appropriate hazard assessment techniques; (2) designing and maintaining a safe facility, taking steps to prevent such releases; and (3) minimizing the consequences of accidental releases that do occur.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine that company's compliance with the CAA. Likewise, Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), authorizes EPA to obtain information from companies about releases or threatened releases of hazardous substances. To enable EPA to determine the compliance status of the Westbrook Facility, responses to the enclosed list of questions (Attachment 3) must be furnished within fifteen (15) calendar days of your receipt of this letter.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to justify adequately any failure to respond, within thirty (30) days of receipt of this letter can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413,


and Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). These statutes permit EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You are required to submit the requested information to:

Leonard Wallace, Enforcement Officer  
RCRA, EPCRA, and Federal Programs Unit  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES05-1  
Boston, MA 02109-3912

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. If you have any questions with regard to this Information Request, please contact Mr. Wallace of my staff at (617) 918-1835.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship

Enclosures

cc: Len Wallace, EPA Region 1  
Catherine Smith, EPA Region 1  
Jeff Barrell, Matheson

**ATTACHMENT 1**

**(Complete and Include With Your Response)**

**DECLARATION**

I declare under penalty of perjury that I am

the \_\_\_\_\_ of \_\_\_\_\_,

[Title]

[Name of Facility]

that I am authorized to respond on behalf of

\_\_\_\_\_ and that the foregoing is a

[Name of Facility]

complete, true, and correct response.

Executed on \_\_\_\_\_

[Date]

[Signature]

\_\_\_\_\_

[Type Name and Title]

## ATTACHMENT 2

**Guidance on How to Respond.** You must submit all responsive documents. Please respond separately to each of the questions, referencing each question by number in your answer. The response must include copies of all documents that you reference in your response or which you feel are relevant to the information being requested.

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. (If documents requested in response to one item duplicate those requested by another question, submit only one copy of the documentation.) Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official.

**Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to these questions become known or available after answering this request, including, but not limited to, specific information that may be deemed unknown at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering the information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Leonard Wallace of this fact as soon as possible and provide EPA with a corrected response.

**Confidential Business Information.** The information requested herein must be provided even though Matheson may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

**Please note the burden of proof is on you to demonstrate that information claimed as confidential satisfies the criteria set forth in 40 C.F.R. § 2.208.** If any portion of your response contains information which you claim as confidential, you must submit two copies of any such "confidential business information" in accordance with the following procedures:

- 1) The first copy of any document containing such "confidential business information" ("CBI") must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential.
- 2) The second copy of any document that is subject to a CBI claim must be redacted so that it contains only information that is not claimed as confidential.

**Definitions.** The following definitions shall apply to the following words as they appear in this Attachment:

The term "you" or "Matheson" shall include Matheson and Matheson Tri-Gas, the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assignees, vendors, and agents.

The term "person" shall have the same definition as in Section 302(e) of the CAA, (i.e., an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof).

The term "Facility" or "Westbrook Facility" means the operations of Matheson (including all physical structures) in Westbrook, Maine.

The term "document" means any object that contains, records, stores, or presents information, whether in paper, electronic, or any other form. The term "document" includes the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise).

The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.

The term "identify" means, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. Part 68, in which case the statutory or regulatory definitions shall apply.

A requested document, item, or information shall be deemed to be in your possession, custody, or control if you know where it is and can obtain access to it, even if it is not presently in your possession.

### **ATTACHMENT 3**

- 1. Copies of written and/or electronic documents pertaining to all shipments of propylene, hydrogen, and anhydrous ammonia to the Westbrook Facility from January 1, 2011 to September 30, 2014.**

EPA requests copies of all documents (written or electronic) from the above time period that show the quantities of propylene, hydrogen, and anhydrous ammonia arriving at the Matheson facility located at 75 Scott Drive, Westbrook, Maine (hereinafter "Westbrook Facility" or "Facility"), specifying the origin of each shipment and the date that each shipment arrived at the Westbrook Facility. The supporting documents should include, but not be limited to: bills of lading, cargo manifests, waybills, invoices, shipping invoices, certificates of analysis, product labels, MSDS/SDS, chemical inventory system, daily inventory, product inventory, customer inventory, vendor inventory, yearly inventory, stock status reports, etc. Please make sure to delineate quantity as either weight (e.g., pounds, kilograms), volume (e.g., gallons, liters), or number of containers. If volume data is provided, also provide the matching density value for the conditions at delivery. If number of containers is provided, also provide the design capacity of each type and size of container indicated.

- 2. Temporary enclosure purpose and duration.**

Matheson has previously provided EPA with a written statement from the City of Westbrook Code Enforcement Officer, dated August 4, 2014 (approximately 3 weeks after EPA's on-site inspection) indicating that because the enclosure where full cylinders of hydrogen were identified by EPA is temporary, no building permit is required. As a matter of record, the City of Westbrook has adopted the 2009 International Building Code (IBC). According to Section 108.1 of the 2009 IBC, the time of service of a temporary structure shall be limited to not more than 180 days. EPA requests that Matheson state the specific intended purpose of the FR PVC-coated polyester enclosure ("blue tent") located at the Facility. If the enclosure is being used for weather protection for outdoor storage, it must meet the requirements of NFPA 55 (2013 ed.) Section 6.6.3. Otherwise it must be regulated as indoor storage. EPA also requests that Matheson state the date of construction and the intended time of service for this temporary enclosure at the Facility and indicate if a permanent structure will be constructed to replace it at the termination of its time of service.

- 3. Hazard review or analysis for transfer pipes.**

EPA requests all documents from the hazard review or hazard evaluation undertaken by or on behalf of Matheson to evaluate all scenarios having the potential for accidental releases of propane or propylene from the transfer pipes outside the rear gate of the permanent structure at the Facility. Such scenarios might include vehicular collision, snow removal activities, and impacts from gate opening/closing. Please list any recommended corrective actions identified in the hazard review or hazard analysis related

to these scenarios, the dates that all corrective actions were completed, and the name of the individual or individuals responsible for completing all identified corrective actions.

**4. Copies of written and/or electronic documents pertaining to all sales of propylene, hydrogen, and anhydrous ammonia from the Westbrook Facility from January 1, 2011 to September 30, 2014.**

EPA requests copies of all documents (written or electronic) from the above time period that show all sales of propylene, hydrogen, and anhydrous ammonia from the Westbrook Facility and the destination (purchaser) of the shipments (e.g., industrial end-use customers, commercial-use customers including wholesale and retail facilities, and other user types). The supporting documentation must include the date that each shipment departed the Westbrook Facility, destination, quantity, and sale price for each individual shipment. The documents should also include, but not be limited to: the bills of lading, retail receipts, cargo manifests, waybills, invoices, shipping invoices, certificates of analysis, product labels, MSDS/SDS, chemical inventory system, daily inventory, product inventory, customer inventory, vendor inventory, yearly inventory, stock status reports, etc. Please make sure to delineate quantity as either weight (e.g., pounds, kilograms), volume (e.g., gallons, liters), or number of containers. If volume data is provided, also provide the matching density value for the conditions at delivery. If number of containers is provided, also provide the design capacity of each type and size of container indicated.

**5. Hazard evaluation or hazard review.**

Provide copies of any hazard evaluation or hazard review that Matheson has conducted specifically for the Westbrook Facility to identify and prepare for hazards that chemicals present at the Facility pose to people, the environment, or infrastructure. Examples include, but are not limited to, process hazard analyses, third-party safety audits, and insurance company reviews.

**6. Emergency response planning.**

Describe what, if any, coordination Matheson has undertaken with the local fire department and the Local Emergency Planning committee to prepare for emergency responses at the Westbrook Facility.